

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 414 OF 2006

1. Shri Jitendra s/o. Bhaskar Tayede,
2. Shri Pramod Kadu Koli,
3. Shri Samadhan Shriram Patil. ...Applicants
V/s.
The State of Maharashtra. ...Respondent

Mr.G.V. Bhagat for Applicants.
Mr.R.Y. Mirza, APP for the State.

CORAM : V.M. KANADE, J.

DATED : FEBRUARY 8, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. Learned APP submitted that a private complaint was filed against the present applicant at Ulhasnagar and that the police is not concerned with the private which has been filed.

2. Learned Counsel for the applicants submits that initially the father had filed the complaint that his daughter Jyoti was missing. Thereafter, the husband of his daughter filed the private complaint in the Court of

Ulhasnagar alleging that the applicants had kidnapped his wife and in the said complaint, non-bailable warrant was issued by the Magistrate.

3. Considering the fact that the complainant's wife is alleged to be missing who is the daughter of the present applicant and that he had filed a missing report one year before this present complaint is filed, in my view, the applicants are entitled to get the relief of anticipatory bail in the event of their arrest.

4. In the result, the applicants, in the event of their arrest, in connection with C.C.No.110/2005 filed with 6th Joint C.J. & J.M.F.C., Ulhasnagar for the offences punishable under Sections 363, 366, 34 of the IPC on a complaint by father filed at Muktai Nagar Police Station, may be released on bail in the sum of Rs.5000/- each with one or two sureties in the like amount. The non-bailable warrant issued against them in respect of the said complaint by the JMFC, Ulhasnagar, is set aside on the condition that the applicants either in person or through their Counsel appear before the

JMFC Ulhasnagar on 15th February, 2006. If the applicants do not appear in the Court of JMFC Ulhasnagar, liberty is granted to the complainant to file an application for cancellation of bail.

. Application is allowed in the above terms.

(V.M. KANANDE, J.)